

AMENDED IN SENATE APRIL 26, 2004

SENATE BILL

No. 1431

Introduced by Senators Speier and Romero

February 19, 2004

An act to add Section 5058.4 to the Penal Code, and to add Section ~~1752.5~~ 1752.05 to the Welfare and Institutions Code, relating to corrections.

LEGISLATIVE COUNSEL'S DIGEST

SB 1431, as amended, Speier. Department of Corrections: code of conduct.

Existing law establishes the Department of Corrections for the confinement of persons who have committed crimes. Existing law also establishes the Department of the Youth Authority for the rehabilitation of certain persons who have committed offenses when they were under 18 years of age, as specified. Existing law creates the offices of the Director of Corrections and the Director of the Youth Authority to administer institutions within the jurisdiction of these departments.

This bill would require the directors of those departments to adopt regulations imposing a schedule of sanctions for misconduct by employees. The bill would also require the directors to adopt a code of conduct, ~~signed annually under penalty of perjury by each employee,~~ that would clearly state, among other things, an employee's responsibility to report employee misconduct and cooperate in any investigation conducted by law enforcement, as specified. *The bill would also provide that each warden of a prison facility and each superintendent of a Department of the Youth Authority facility shall be required to publish specified information relating to the code of conduct. By creating a new crime, the bill would impose a*

~~state-mandated local program. The bill would also require the directors to develop a program to ensure the protection of employees who have reported improper governmental activities and who require counseling or personal protection.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: *yes no*.

The people of the State of California do enact as follows:

1 SECTION 1. Section 5058.4 is added to the Penal Code, to
2 read:

3 5058.4. (a) The director shall ~~adopt regulations imposing a~~
4 ~~schedule of sanctions for misconduct by employees. The schedule~~
5 ~~shall be effective within 90 days of the operative date of this~~
6 ~~section.~~ *provide for the development and implementation of a*
7 *disciplinary matrix with offenses and associated punishments*
8 *applicable equally to all department employees, in order to ensure*
9 *notice and consistency statewide.*

10 (b) The director shall adopt a code of conduct that shall clearly
11 state, among other things, an employee's responsibility to report
12 employee misconduct, and to cooperate in any investigation
13 conducted by local, state, or federal law enforcement agencies or
14 their agents. The code of conduct shall specify the kinds of
15 behavior that are prohibited. ~~It shall be signed by each employee~~
16 ~~under penalty of perjury annually to acknowledge that the~~
17 ~~employee has read it and will abide by it. The intentional failure~~
18 ~~to sign the code of conduct shall be grounds for termination of the~~
19 ~~employee.~~

20 (c) The director shall develop a program to ensure the
21 protection of employees who have reported improper
22 governmental activities and who require counseling or personal
23 protection.



(d) Each warden shall be required to publish every six months to all employees through the prison's In Service Training Bulletin, the following:

- (1) Information regarding the code of conduct.
- (2) The duty to report misconduct.
- (3) How to report misconduct.
- (4) The duty to fully cooperate during investigations.
- (5) Assurances against retaliation.

SEC. 2. Section ~~1752.5~~ 1752.05 is added to the Welfare and Institutions Code, to read:

~~1752.5. (a) The director shall adopt regulations imposing a schedule of sanctions for misconduct by employees. The schedule shall be effective within 90 days of the operative date of this section.~~

1752.05. (a) The director shall provide for the development and implementation of a disciplinary matrix with offenses and associated punishments applicable equally to all department employees, in order to ensure notice and consistency statewide.

(b) The director shall adopt a code of conduct that shall clearly state, among other things, an employee's responsibility to report employee misconduct, and to cooperate in any investigation conducted by local, state, or federal law enforcement agencies or their agents. The code of conduct shall specify the kinds of behavior that are prohibited. ~~It shall be signed by each employee under penalty of perjury annually to acknowledge that the employee has read it and will abide by it. The intentional failure to sign the code of conduct shall be grounds for termination of the employee.~~

(c) The director shall develop a program to ensure the protection of employees who have reported improper governmental activities and who require counseling or personal protection.

(d) Each superintendent shall be required to publish every six months, the following:

- (1) Information regarding the code of conduct.
- (2) The duty to report misconduct.
- (3) How to report misconduct.
- (4) The duty to fully cooperate during investigations.
- (5) Assurances against retaliation.

1 ~~SEC. 3.—No reimbursement is required by this act pursuant to~~
2 ~~Section 6 of Article XIII B of the California Constitution because~~
3 ~~the only costs that may be incurred by a local agency or school~~
4 ~~district will be incurred because this act creates a new crime or~~
5 ~~infraction, eliminates a crime or infraction, or changes the penalty~~
6 ~~for a crime or infraction, within the meaning of Section 17556 of~~
7 ~~the Government Code, or changes the definition of a crime within~~
8 ~~the meaning of Section 6 of Article XIII B of the California~~
9 ~~Constitution.~~

